

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CLIFFORD BAILEY, CLIFFORD BLACK,)
WESLEY CALHOUN, CURTIS DEASON,)
RUTH GRAVES, MICKEY GRIZZARD,)
JIMMY PERRY, HERBERT STANLEY)
SIKES, and PHILLIP THOMPSON,)

Plaintiffs,

VS.

) CASE NUMBER: 3:06-cv-979-MHT

MERCK & CO., INC., a foreign or Domestic Corporation, et al.,

Defendants.

NOTICE OF FILING

COMES NOW the Defendant, Merck & Co., Inc., and hereby gives notice to the Court of the declarations of James Houston, Julie Melton-Hodges, and Susan Brunstetter (regarding Randy Walls) which are submitted in supplementation of Exhibit F to its Notice of Removal (Doc. 1).

/s/ Ben C. Wilson

BEN C. WILSON

Attorney for Defendant

OF COUNSEL:

Robert C. “Mike” Brock

F. Chadwick Morriss

Ben C. Wilson

Richard B. Garrett

RUSHTON, STAKELY, JOHNSTON, & GARRETT, P.A.

Post Office Box 270

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James S. Hubbard
Thomas J. Knight
HUBBARD & KNIGHT
1125 Noble Street
Anniston, Alabama 36201

/s/ Ben C. Wilson

IN THE UNITED STATES DISTRICT COURT
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RUTH GRAVES, MICKEY GRIZZARD, *
JIMMY PERRY, HERBERT STANLEY *
SIKES, and PHILLIP THOMPSON, *

Plaintiffs, *

v. *

CASE NUMBER: CV- *

MERCK & CO., INC., a foreign or *
domestic Corporation, DAVID *
SPARKMAN, KATHERINE HOLMES, *
LORI LOVETT, SCOTT BARTLETT, *
CORAL HARPER, MELISSA SANTIAGO, *
HENRY MITCHAM, JERRY PHARR, *
JASON DELK, CHARLES HENDERSON, *
JAMES HOUSTON, JULIE MELTON, *
JULIE HODGES, and MELISSA *
BAUER, NATASHA WALKER- *
MCGLOTHAN, RANDY WALLS, and the *
Defendants A, B, C, D, E, X & Z whether *
singular or plural, being those persons, *
firms or entities who or which *
proximately caused or contributed to the *
Plaintiff's personal injury and Plaintiff's *
other harm and the other *
damages as complained of herein whose *
true names are unknown to the Plaintiffs *
but will be added by amendment when *
correctly ascertained, *

Removed from the
Circuit Court of
Randolph County, Alabama
(CV-06-145)

Defendants.

DECLARATION OF JAMES HOUSTON

1. My name is James Houston. I am over twenty-one years of age,
am of sound mind, and am competent to make this Declaration. This Declaration is
based upon my personal knowledge.

2. At no time did I ever provide Vioxx® ("Vioxx") or information concerning Vioxx directly to Clifford Bailey, Clifford Black, Wesley Calhoun, Curtis Deason, Ruth Graves, Mickey Grizzard, Jimmy Perry, Herbert Stanley Sikes, or Phillip Thompson.

3. I am not a physician, and have therefore never prescribed Vioxx. I am also not a pharmacist and I have therefore never written or filled a prescription for Vioxx as a pharmacist. The information that I used during the course of my employment was provided to me by my employer. Specifically, Merck provided me with the FDA-approved prescribing information and the other information I used in speaking with physicians about Vioxx. I had no involvement in the development or preparation of prescribing information for Vioxx, and did not have responsibility for the content or other written warnings concerning Vioxx contained in other information provided to me by my employer. I was not expected, as a Professional Representative, to conduct independent research regarding drugs I detailed. I was not expected to review independent scientific studies published in journals unless Merck supplied them to me.

4. At no time did I have any involvement at all with the manufacture, development, or testing of Vioxx. The physicians with whom I dealt and on whom I called in my job were highly skilled professionals. They were, in my judgment and to the best of my knowledge, in a better position than I to make determinations concerning prescribing Vioxx. I had no discussions at all at any time with any patients of any of the physicians on whom I called regarding Vioxx.

5. At no time did I ever sell, offer to sell or take orders for the sale of Vioxx to patients. Physicians upon whom I would call would write their prescriptions for

Vioxx based upon their own independent medical knowledge and judgment and I would not have direct knowledge of any specific prescriptions these physicians may have written for individual patients including, but not limited to, Clifford Bailey, Clifford Black, Wesley Calhoun, Curtis Deason, Ruth Graves, Mickey Grizzard, Jimmy Perry, Herbert Stanley Sikes, and Phillip Thompson.

6. I made no knowing misrepresentations concerning the safety or efficacy of Vioxx and acted in good faith at all times in my dealings with physicians who may have prescribed Vioxx.

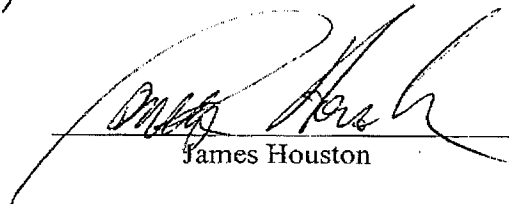
7. I have never participated in, nor was I ever instructed or trained, nor did I ever receive any materials relating to any "Dodgeball program."

8. I have never met nor spoken with Clifford Bailey, Clifford Black, Wesley Calhoun, Curtis Deason, Ruth Graves, Mickey Grizzard, Jimmy Perry, Herbert Stanley Sikes, or Phillip Thompson.

9. I have never made any presentations to the general public regarding Vioxx.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 24/2006.


James Houston

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

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Defendants A, B, C, D, E, X & Z whether
singular or plural, being those persons,
firms or entities who or which
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other harm and the other
damages as complained of herein whose
true names are unknown to the Plaintiffs
but will be added by amendment when
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DECLARATION OF JULIE HODGES MELTON

1. My name is Julie Hodges Melton, named above as both Julie Hodges and Julie Melton. I am over twenty-one years of age, am of sound mind, and am competent to make this Declaration. This Declaration is based upon my personal knowledge.

2. At no time did I ever provide Vioxx® ("Vioxx") or information concerning Vioxx directly to Clifford Bailey, Clifford Black, Wesley Calhoun, Curtis Deason, Ruth Graves, Mickey Grizzard, Jimmy Perry, Herbert Stanley Sikes, or Phillip Thompson.

3. I am not a physician, and have therefore never prescribed Vioxx. I am also not a pharmacist and I have therefore never written or filled a prescription for Vioxx as a pharmacist. The information that I used during the course of my employment was provided to me by my employer. Specifically, Merck provided me with the FDA-approved prescribing information and the other information I used in speaking with physicians about Vioxx. I had no involvement in the development or preparation of prescribing information for Vioxx, and did not have responsibility for the content or other written warnings concerning Vioxx contained in other information provided to me by my employer. I was not expected, as a Professional Representative, to conduct independent research regarding drugs I detailed. I was not expected to review independent scientific studies published in journals unless Merck supplied them to me.

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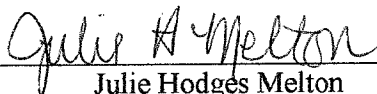
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9. I have never made any presentations to the general public regarding Vioxx.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 24, 2006.


Julie Hodges Melton

IN THE UNITED STATES DISTRICT COURT
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DECLARATION OF SUSAN J. BRUNSTETTER

I, Susan J. Brunstetter, declare as follows:

1. My name is Susan J. Brunstetter. I am over twenty-one years of
age and I have personal knowledge of the truth of the matters stated herein. If called

upon to testify to facts set forth herein, I could and would do so truthfully and competently.

2. I am a Senior Analyst ("Senior Analyst") in the Enterprise Systems and Services department of Merck & Co., Inc. ("Merck") and work in Merck's West Point, Pennsylvania office. In my capacity as Senior Analyst, I have direct personal knowledge of the records that Merck maintains in the regular course of its business.

3. In my capacity as Senior Analyst, I have become familiar with and have direct personal knowledge regarding the employment records of the Professional Representatives of Merck.

4. Merck's business records reflect that Merck employed Randy Walls as a Professional Representative.

5. Merck's business records also reflect that Randy Walls' last known address was located in the State of Georgia.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 26, 2006.



Susan J. Brunstetter